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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,649	09/21/1999	ANDREW J. SZABO	SZABO-201.1	3645
10037 7590 07/13/2009 MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606				
EXAMINER AL HASHEMI, SANA A				
ART UNIT 2156		PAPER NUMBER		
MAIL DATE 07/13/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDREW J. SZABO

Appeal 2008-005213
Application 09/400,649
Technology Center 2100

Mailed: July 13, 2009

Before STEVEN J. BARTLETT, *Appeals Program Manager*

ORDER DISMISSING APPEAL

On May 6, 2004, Appellant filed a Notice of Appeal. On July 9, 2009, Appellant filed a Request for Continued Examination (RCE). Under 37 C.F.R. § 1.114(d), a RCE filed prior to a decision on the appeal will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.

Accordingly, the present appeal is dismissed.

Appeal 2008-005213
Application 09/400,649

If there are any questions pertaining to this Order, please contact the
Board of Patent Appeals and Interferences at 571-272-9797.

msc

MILDE & HOFFBERG, LLP
10 BANK STREET
SUITE 460
WHITE PLAINS NY 10606